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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/621,749 | 07/17/2003 | W. John Gardenier | 1442.033B | 1803 |
| 7590 | 12/06/2005 | | EXAMINER | |
| John Pietrangelo Heslin Rothenberg Farley & Mesiti P.C. 5 Columbia Circle Albany, NY 12203 | | | PHILLIPS, CHARLES E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3751 | |

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.


Application/Control Number: 10/621,749
Art Unit: 3751

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The reply filed on 10/28/05 is not fully responsive to the prior Office Action because: the response of 10/24/05 fails to provide a listing of all claims readable on the elected species of Fig. 9. This is required to be done by a definitive listing by claim numbers i.e. a statement such as previously made "may be readable" does not comply. On page 6 of the remarks a "response filed on December 14, 2005" is referred to, it is presumed that this date should be 2004. Applicant should confirm same. Further, page 7, line 5 refers to "the above amendments", which amendments are being referred to? Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication should be directed to Charles E. Phillips at telephone number 571-272-4893.


Charles E. Phillips
Primary Examiner